

Claim Amendments

The following list of claims is currently pending in the application:

1-36. (Canceled)

37. (Currently Amended) The method of claim 48, wherein the projected contingent payments are calculated based on ~~the forward prices and an~~ expected value of the contingent payments as of an issue date of the convertible debt instrument.

38. (Currently Amended) The method of claim 37, ~~wherein~~ further comprising determining a tax adjusted issue price for the convertible debt instrument based on a comparable yield for the convertible debt instrument that is determined by referencing a yield of a fixed-rate nonconvertible debt instrument with terms and conditions similar to terms and conditions of the convertible ~~security~~ debt instrument.

39. (Currently Amended) The method of claim 37, ~~wherein~~ further comprising determining a projected payment schedule for the convertible debt instrument that includes each noncontingent ~~payment~~ payments and the projected contingent payments for the convertible debt instrument.

40. (Currently Amended) The method of claim 48, further comprising making adjustments to the contingent payments based on a comparison of projected contingent payments to actual contingent payments.

41. (Currently Amended) The method of claim 40, wherein if the actual contingent payments are greater than the projected contingent payments, a positive adjustment to the contingent payments is made.

42. (Currently Amended) The method of claim 40, wherein if the actual contingent payments are less than the projected contingent payments, a negative adjustment to the contingent payments is made.

43. (Currently Amended) The method of claim 48, wherein the convertible ~~security~~ debt instrument is remarketed as a new straight debt ~~security~~ instrument.

44. (Currently Amended) The method of claim 48, wherein the convertible ~~security~~ debt instrument is remarketed as a new convertible ~~security~~ debt instrument.

45. (Currently Amended) The method of claim 48, ~~wherein a determination of further~~ comprising, prior to remarketing the convertible debt instrument, determining whether to remarket ~~the convertible debt instrument is made~~ based on a comparison of a price for a stock underlying the convertible ~~security~~ debt instrument and a conversion price which specifies a dollar amount at which the convertible ~~security~~ debt instrument can be converted into common stock of the issuer at a remarketing time.

46-47. (Canceled)

48. (Currently Amended) A financial method comprising the steps of:
issuing, using a computer system, a convertible ~~security~~ debt instrument by an issuer to a holder, wherein the convertible ~~security~~ debt instrument comprises:
a maturity term;
a conversion provision providing that the holder is entitled to exchange the convertible ~~security~~ debt instrument for another asset under certain conditions;
a contingent payment provision that provides that the holder is entitled to a contingent payment upon the occurrence of one or more specified conditions; and
a remarketing provision that provides that the convertible ~~security~~ debt instrument may be remarketed to new investors under certain conditions; and
wherein the convertible ~~security~~ debt instrument does not have any put provisions;

remarketing, at a remarketing time, using the computer system, the convertible ~~security~~ debt instrument to one or more new investors, wherein, after the remarketing time, from the issuer's perspective, the convertible ~~security~~ debt instrument remains outstanding and potential recapture of excess tax benefits associated with the convertible debt instrument is postponed until the convertible ~~security~~ debt instrument ceases to be outstanding; and

calculating projected contingent payments for the convertible debt instrument with ~~[[a]]~~ the computer system, wherein the computer system comprises one or more data storage media, and wherein the computer system communicates electronic data over a computer network.

49. (Currently Amended) A financial method comprising the steps of:
issuing, using a computer system, a convertible ~~security~~ debt instrument by an issuer to a holder, wherein the convertible ~~security~~ debt instrument does not have any put provisions, and wherein the convertible ~~security~~ debt instrument comprises:

a maturity term;

a conversion provision providing that the holder is entitled to exchange the convertible ~~security~~ debt instrument for another asset under certain conditions;

a contingent payment provision that provides that the holder is entitled to a contingent payment upon the occurrence of one or more specified conditions; and

a remarketing provision that provides that the convertible ~~security~~ debt instrument may be remarketed to new investors under certain conditions at a remarketing time, wherein after remarketing, from the issuer's perspective, the convertible ~~security~~ debt instrument remains outstanding and potential recapture of excess tax benefits associated with the convertible debt instrument is postponed until the convertible ~~security~~ debt instrument ceases to be outstanding;
and

calculating projected contingent payments for the convertible debt instrument with ~~[[a]]~~ the computer system, wherein the computer system comprises one or more data storage media, and wherein the computer system communicates electronic data over a computer network.

50. (Canceled)

51. (Currently Amended) The method of claim 49, wherein the projected contingent payments are calculated based on ~~the forward prices and an~~ expected value of the contingent payments as of an issue date of the convertible debt instrument.

52. (Currently Amended) The method of claim 51, wherein further comprising determining a tax adjusted issue price for the convertible debt instrument based on a comparable yield for the convertible debt instrument that is determined by referencing a yield of a fixed-rate

nonconvertible debt instrument with terms and conditions similar to terms and conditions of the convertible ~~security debt instrument~~.

53. (Currently Amended) The method of claim 51, ~~wherein~~ further comprising determining a projected payment schedule for the convertible debt instrument that includes each noncontingent ~~payment~~ payments and the projected contingent payments for the convertible debt instrument.

54. (Currently Amended) The method of claim 49, further comprising making adjustments to the contingent payments based on a comparison of projected contingent payments to actual contingent payments.

55. (Currently Amended) The method of claim 54, wherein if the actual contingent payments are greater than the projected contingent payments, a positive adjustment to the contingent payments is made.

56. (Currently Amended) The method of claim 54, wherein if the actual contingent payments are less than the projected contingent payments, a negative adjustment to the contingent payments is made.

57. (Currently Amended) The method of claim 49, wherein the convertible ~~security debt instrument~~ is remarketed as a new straight debt ~~security instrument~~.

58. (Currently Amended) The method of claim 49, wherein the convertible ~~security debt instrument~~ is remarketed as a new convertible ~~security debt instrument~~.

59. (Currently Amended) The method of claim 49, ~~wherein a determination of further comprising, prior to remarketing the convertible debt instrument, determining~~ whether to remarket the convertible debt instrument is made based on a comparison of a price for a stock underlying the convertible ~~security debt instrument~~ and a conversion price which specifies a dollar amount at which the convertible ~~security debt instrument~~ can be converted into common stock of the issuer at a remarketing time.

60. (Canceled)

61. (Currently Amended) The method of claim 49, wherein:
the another asset for which the convertible debt instrument can be exchanged under the conversion provision is common stock of the issuer; and
the convertible ~~security~~ debt instrument further comprises a warrant provision that provides ~~investors~~ the holder with an option to purchase an additional number of shares of common stock of the issuer in exchange for the convertible ~~security~~ debt instrument for a price that is above a conversion price of the convertible debt instrument, wherein the holder is entitled to exercise the option upon conversion of the convertible debt instrument.

62. (New) The method of claim 38, wherein the fixed-rate nonconvertible debt instrument that is referenced to determined the tax adjusted issue price of the convertible debt instrument has a maturity that matches the maturity provision of the convertible debt instrument.